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2 **IN THE UNITED STATES DISTRICT COURT FOR**
3 **THE DISTRICT OF ARIZONA**

4
5 Jonathan Bahr, individually and on behalf of a
6 class of all persons and entities similarly
situated,

Case No.

7 Plaintiff,

CLASS ACTION COMPLAINT

8 vs.

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10 Health Insurance Associates LLC DBA
11 Healthinsurance.com

12 Defendant.

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Preliminary Statement

1. Telemarketing calls are intrusive. A great many people object to these calls, which interfere with their lives, tie up their phone lines, and cause confusion and disruption on phone records. Faced with growing public criticism of abusive telephone marketing practices, Congress enacted the Telephone Consumer Protection Act of 1991. Pub. L. No. 102-243, 105 Stat. 2394 (1991) (codified at 47 U.S.C. § 227). As Congress explained, the law was a response to Americans ‘outraged over the proliferation of intrusive, nuisance calls to their homes from telemarketers’ *id.* § 2(6), and sought to strike a balance between ‘[i]ndividuals’ privacy rights, public safety interests, and commercial freedoms’ *id.* § 2(9).

2. “The law opted for a consumer-driven process that would allow objecting individuals to prevent unwanted calls to their homes. The result of the telemarketing regulations was the national Do-Not-Call registry. *See* 47 C.F.R. § 64.1200(c)(2). Within the federal government’s web of indecipherable acronyms and byzantine programs, the Do-Not-Call registry stands out as a model of clarity. It means what it says. If a person wishes to no longer receive telephone solicitations, he can add his number to the list. The TCPA then restricts the telephone solicitations that can be made to that number. *See id.*; 16 C.F.R. § 310.4(b)(iii)(B) (‘It is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer to . . . initiat[e] any outbound telephone call to a person when . . . [t]hat person’s telephone number is on the “do-not-call” registry, maintained by the Commission.’)...Private suits can seek either monetary or injunctive relief. *Id.*...This private cause of action is a straightforward provision designed to achieve a straightforward result. Congress enacted the law to protect against invasions of privacy that were harming people. The law empowers each person to protect his own personal rights. Violations of the law are clear, as is the remedy. Put simply, the TCPA

1 affords relief to those persons who, despite efforts to avoid it, have suffered an intrusion upon
2 their domestic peace.” *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 649-50 (4th Cir. 2019).

3. Plaintiff Jonathan Bahr brings this action against Health Insurance Associates
4 DBA Healthinsurance.com (“Defendant”) under the TCPA, for contacting the Plaintiff and other
5 individuals, who, like the Plaintiff, were listed on the National Do Not Call Registry.

6. A class action is the best means of obtaining redress for the Defendant’s wide-
7 scale illegal telemarketing and is consistent both with the private right of action afforded by the
8 TCPA and the fairness and efficiency goals of Rule 23 of the Federal Rules of Civil Procedure.
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10 **Parties**

11 5. Plaintiff Jonathan Bahr is an individual residing in Arizona.

12 6. Defendant Health Insurance Associates LLC DBA Healthinsurance.com is
13 located in Florida.

14 **Jurisdiction & Venue**

15 7. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because the
16 Plaintiff’s claims arise under federal law.
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18 8. Venue is proper under 28 U.S.C. § 1331(b)(2) because the calls that were initiated
19 to the Plaintiff and the putative class that are the subject of the litigation were sent into this
20 District and to encourage the purchase of services to be provided in this District. As such, a
21 substantial part of the events giving rise to the claims occurred in this District.
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1 **TCPA Background**

2 9. The TCPA was passed in 1991 to help prevent unwanted telephone calls and
3 solicitations, provide power to consumers to prevent unwanted solicitations, and rein in
4 unrestricted telemarketing. *See 47 U.S.C. § 227, et seq.*

5 10. Relevantly, the TCPA provides private rights of action for three types of
6 telemarketing-related conduct.

7 11. § 227(c) of the TCPA requires the FCC to “initiate a rulemaking proceeding
8 concerning the need to protect residential telephone subscribers’ privacy rights to avoid receiving
9 telephone solicitations to which they object.” 47 U.S.C. § 227(c)(1).

10 12. In this rulemaking proceeding, the FCC was instructed to “compare and evaluate
11 alternative methods and procedures (including the use of … company-specific ‘do not call
12 systems …’)” and “develop proposed regulations to implement the methods and procedures that
13 the Commission determines are most effective and efficient to accomplish purposes of this
14 section.” *Id.* at (c)(1)(A), (E).

15 13. Pursuant to this statutory mandate, the FCC established a national “do not call”
16 database. *In the Matter of Rules and Regulations Implementing the Telephone Consumer
17 Protection Act of 1991*, 18 FCC Rcd. 14014 (“DNC Order”).

18 14. This regulation is presently codified at 47 CFR 64.1200(c)(1-2).

19 15. Specifically, a company may not initiate any “telephone solicitation” to a
20 telephone subscriber “who has registered his or his telephone number on the national do-not-call
21 registry of persons who do not wish to receive telephone solicitations that is maintained by the
22 Federal Government.” 47 CFR 64.1200(c)(2).

Factual Allegations

16. Defendant is a for-profit company that sells insurance and assists consumers in comparing insurance plans.

17. Plaintiff Bahr is a “person” as defined by 47 U.S.C. § 153(39).

18. Plaintiff's telephone number, 480-XXX-XXXX, is on the National Do Not Call Registry and has been registered continuously since November 15, 2024.

19. The Plaintiff's telephone number is used for residential purposes and is not associated with a business.

20. The Plaintiff's telephone number is assigned to a residential telephone exchange service for consumers, not a telephone exchange service for businesses.

21. The Plaintiff uses the telephone number for personal, family, and household purposes.

22. Mr. Bahr nonetheless received at least seven calls from the Defendant in February, March and April 2025 from the caller ID 480-380-XXXX.

23. The Plaintiff rejected the first three calls, twice on February 17, 2025 and once on March 4, 2025 because he did not recognize the number.

24. The Plaintiff missed the fourth call on March 14, 2025.

25. On March 18, 2025, the Plaintiff answered the fifth call and informed the Defendant he was not interested in his services and not to call.

26. On April 8, 2025, the Plaintiff answered the sixth call and told the Defendant not to call him again.

27. The Plaintiff also asked to speak to a supervisor in an effort to cease the calls.

28. The purpose of these calls was to author Medicare insurance benefits.

29. Despite the Plaintiff's requests, on April 10, 2025, the Plaintiff received yet another call from the Defendant.

30. This was the seventh and final call.

31. The Plaintiff spoke with an individual identified as "Amen Tall."

32. Mr. Tall identified his company as Healthinsurance.com

33. Mr. Tall provided a callback number of 855-995-9783.

34. Mr. Tall offered the Plaintiff Medicare Part A and Part B insurance benefits that the Plaintiff did not want or need.

35. The Plaintiff never asked for these calls.

36. The Plaintiff never did any business with the Defendant.

37. Plaintiff's privacy has been violated by the above-described telemarketing calls.

38. Plaintiff never provided his consent or requested the calls.

39. The calls were all unwanted, nonconsensual encounters.

40. Plaintiff and all members of the Class, defined below, ha

40. Plaintiff and all members of the Class, defined below, have been harmed by the acts of Defendant because their privacy has been violated and they were annoyed and harassed. In addition, the calls occupied their telephone lines, storage space, and bandwidth, rendering them unavailable for legitimate communication, including while driving, working, and performing other critical tasks.

Class Action Statement

41. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully stated herein.

42. Plaintiff brings this action on behalf of herself and the following class (the "Class") pursuant to Federal Rule of Civil Procedure 23(b)(2) and/or (b)(3).

1 43. Plaintiff proposes the following Class definitions, subject to amendment as
2 appropriate:

3 **National Do Not Call Registry Class:** All persons within the United States: (1)
4 whose residential telephone numbers were on the National Do Not Call Registry
5 for at least 31 days; (2) but who received more than one telephone solicitation call
6 from Defendant or a third party acting on Defendant's behalf; (3) within a 12-
7 month period; (4) within the four years prior to the filing of the Complaint.

8 44. Plaintiff is a member of and will fairly and adequately represent and protect the
9 interests of the Class as he has no interests that conflict with any of the Class members.

10 45. Plaintiff and all members of the Class have been harmed by the acts of Defendant,
11 including, but not limited to, the invasion of their privacy, annoyance, waste
12 of time, the use of their telephone power and network bandwidth, and the intrusion on their
13 telephone that occupied it from receiving legitimate communications.

14 46. Members of the Class as defined above, are identifiable through Defendant's
15 dialer records, other phone records, and phone number databases.

16 47. Plaintiff does not know the exact number of members in the Class, but Plaintiff
17 reasonably believes Class members number, at minimum, in the hundreds.

18 48. The joinder of all Class members is impracticable due to the size and relatively
19 modest value of each individual claim.

20 49. Additionally, the disposition of the claims in a class action will provide
21 substantial benefit to the parties and the Court in avoiding a multiplicity of identical suits.

22 50. There are well defined, nearly identical, questions of law and fact affecting all
23 parties. The questions of law and fact, referred to above, involving the class claims predominate
24 over questions that may affect individual Class members.

1 51. There are numerous questions of law and fact common to Plaintiff and to the
2 proposed Class, including, but not limited to, the following:

- 3 a. Whether Defendant made multiple calls to Plaintiff and members of
4 the National Do Not Call Registry Class;
- 5 b. Whether Defendant's conduct constitutes a violation of the TCPA; and
6 c. Whether members of the Class are entitled to treble damages based on
7 the willfulness of Defendant's conduct.

8 52. Plaintiff has retained counsel with substantial experience in prosecuting
9 complex litigation and class actions, and especially TCPA class actions. Plaintiff and his counsel
10 are committed to vigorously prosecuting this action on behalf of the other members of the Class
11 and have the financial resources to do so.

12 53. Common questions of law and fact predominate over questions affecting only
13 individual Class members, and a class action is the superior method for fair and efficient
14 adjudication of the controversy. The only individual question concerns identification of Class
15 members, which will be ascertainable from records maintained by Defendant and/or its agents.

16 54. The likelihood that individual members of the Class will prosecute separate
17 actions is remote due to the time and expense necessary to prosecute an individual case.

18 55. Excluded from the Class are counsel, Defendant, and any entities in which
19 Defendant has a controlling interest, the Defendant's agents and employees, any judge to whom
20 this action is assigned, and any member of such judge's staff and immediate family.

21 56. Plaintiff is not aware of any litigation concerning this controversy already
22 commenced by others who meet the criteria for class membership described above.

CAUSE OF ACTION

Violation of the Telephone Consumer Protection Act

(47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c) on behalf of Plaintiff and the National Do Not Call Registry Class)

57. Plaintiff incorporates the allegations from all previous paragraphs as if fully set forth herein.

58. The foregoing acts and omissions of Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf constitute numerous and multiple violations of the TCPA, 47 U.S.C. § 227, by making telemarketing calls, except for emergency purposes, to Plaintiff and members of the National Do Not Call Registry Class despite their numbers being on the National Do Not Call Registry.

59. Defendant's violations were negligent, willful, or knowing.

60. As a result of Defendant's and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf, violations of the TCPA, 47 U.S.C. § 227, Plaintiff and members of the National Do Not Call Registry Class are entitled to an award of up to \$500 and in damages for each and every call made and up to \$1,500 in damages if the calls are found to be willful.

61. Plaintiff and the members of the National Do Not Call Registry Class are also entitled to and do seek injunctive relief prohibiting Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf from making telemarketing calls to telephone numbers registered on the National Do Not Call Registry, except for emergency purposes, in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for the following relief:

Injunctive relief prohibiting Defendant from calling telephone numbers advertising its goods or services, except for emergency purposes, to any residential number on the National Do Not Call Registry in the future;

That the Court enter a judgment awarding Plaintiff and all Class members statutory damages of \$500 for each violation of the TCPA and \$1,500 for each knowing or willful violation; and

An order certifying this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23, establishing a Class the Court deems appropriate, finding that Plaintiff is a proper representative of the Class, and appointing the lawyers and law firms representing Plaintiff as counsel for the Class;

Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff requests a jury trial as to all claims of the complaint so triable.

1 Dated: May 8, 2025

2 */s/ Anthony I. Paronich*

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